

Exhibit 1

1.0 TRAFFIC DIRECTION AND CONTROL

1.1 POLICY

It is the policy of the Buffalo Police Department to maintain a safe and even flow of vehicular traffic throughout the City so that accidents can be prevented and congestion avoided.

1.2 RESPONSIBILITY

- A. The Police Department is responsible for supervising and controlling traffic in all public streets and public places in the City of Buffalo.
- B. It is the responsibility of all uniformed personnel to actively participate in the supervision and control of traffic.
- C. It is the responsibility of all members of the Department to impartially enforce the laws and ordinances relating to traffic.
- D. All members will wear Department issued high visibility clothing as their outermost clothing while directing traffic.

1.3 DIRECTING TRAFFIC - POSITION

Only sworn members in police uniform shall direct traffic.

- A. The position taken by a member directing traffic is a very important factor in properly controlling an intersection. There is no single rule that applies to all circumstances. The intersection design, the traffic pattern, the degree of regulation desired, and a host of other variables will influence the decision. In selecting a position, the member shall consider the following factors:
 - 1. the personal safety of the member;
 - 2. the ability of the member to see all the traffic;
 - 3. the ability of motorists to see the member;
 - 4. the non-obstruction of traffic;
 - 5. the ability to effect control from that position.
- B. The member directing traffic must be in control of the situation at all times. (S)he must be ever aware of both vehicles and pedestrians. It is essential that the member clearly communicate his/her directions. Since traffic cannot be regulated vocally, the member must use hand signals. To avoid confusion all members should use the same hand signals and gestures. It is important that the member be in a position so that drivers can see the hand signals from a long distance.

1.4 DIRECTING TRAFFIC - HAND SIGNALS

A. Stance

While directing traffic, members should stand straight with weight evenly distributed on both feet. They must exhibit confidence. When not signaling, they should allow their hands to hang easily at the side. Member should not face vehicles that have been authorized to move but should stand with one side toward them. Above all, they should refrain from using excited, aimless, or incomprehensible gestures, or waving of the hands from the hipline.

B. Stopping Traffic

Two (2) motions are used. First, the member should point with his/her arm and forefinger at the driver that (s)he wants to stop. Hold the point until it is seen by the driver. Then hold the palm up indicating to the driver that (s)he must stop. Because the member cannot look both ways at the same time, (s)he should stop traffic in one direction first before attempting to stop traffic in the opposite direction. After traffic is stopped in one direction, the member should continue to hold the palm up in the stop position and then turn his/her head to the other direction and repeat the process.

C. Starting Traffic

To start traffic, the member should position himself/herself with his/her side toward the traffic to be started. The member should point his/her arm and forefinger toward the car that is to be started. That position should be held until the driver's attention is gained. Then with the palm facing up, the hand should be swung in an upwards motion, bending at the elbow and continuing in a circular motion making a full rotation. Once traffic is started in one direction, the same procedures should be used to start traffic in the opposite direction.

D. Right Turns

When right turns are necessary, the arm the member signals with will be determined by the direction from which the vehicle is coming. If it approaches from the right, the member should use the right arm, and if it approaches from the left, the left arm is used. The arm should be bent at the elbow. Vehicles approaching from the right will be directed by the right forefinger. Vehicle approaching from the left will be directed by using the left thumb.

E. Left Turns

In assisting a vehicle to make a left turn, the member must first halt the traffic in the lane through which the vehicle must pass. If the vehicle making a left turn is approaching from the left, the right arm should be used to stop oncoming traffic. The signal to stop should be maintained with the right arm while the left arm is used to indicate when the driver can make the left turn. If the vehicle is approaching from the right, the member should turn around so that (s)he is facing the direction in which the vehicle will turn and proceed as above.

F. Traffic Directed by Two Officers

When two (2) members are assigned to a particular intersection, only one of the members will originate all signals and gestures. The companion member only assists by helping to carry out the first member's directions. The member doing the signaling should be in the most conspicuous and advantageous position.

G. Errant Drivers

If a driver has apparently ignored a member's hand signals, the member should not attempt to correct the driver by having him/her back the vehicle to the spot the member originally desired. This is dangerous and only serves to create additional traffic congestion. If a warning, traffic summons or arrest is necessary, the member shall direct the motorist to the nearest space at the curb or to a position where the vehicle will not interfere with traffic flow.

H. Caution Required

Members directing traffic shall take all necessary precautions for their safety. While directing traffic they should never step backwards without first being certain that it is safe to do so. They should not remain in the path of an approaching vehicle, relying on the assumption that the driver will see him/her. Reflectorized belt, coat or vest shall be worn.

1.5 TRAFFIC CONTROL DEVICES

A. Malfunctioning Traffic Signals

Whenever a member of the Department becomes aware that a traffic signal is out of order or is malfunctioning, the member shall immediately notify the Radio Dispatcher.

1. Dispatcher

The Radio Dispatcher shall promptly dispatch a crew from the Signal Division to make repairs. The Radio Dispatcher shall also dispatch a District sector car to the scene to determine if manual traffic control is necessary until the traffic control device is repaired. Portable four way stop signs should be used in lieu of manual traffic control whenever possible.

2. Storms or Power Failures

If due to a storm or power failure, a number of traffic lights are not functioning properly or are out of order, portable four way stop signs shall be used wherever possible. Available members of the Department shall be assigned to intersections where the traffic is heaviest when portable four way stop signs are unavailable or impractical.

B. Manually Controlling Traffic Signals

Members of the Department assigned to the Patrol Division may manually control traffic signals for short periods of time when there is an excessively high volume of traffic that will result in extreme traffic congestion if not properly regulated (e.g. rush

hour traffic at high volume intersections, special events, sporting events, etc.).

C. Missing or Damaged Stop Signs

1. Notification

When any member of the department is made aware that a Stop Sign is missing, knocked down, or for any reason, inoperable, (s)he shall immediately:

- a. if between the hours of 0600 and 2200, request the Radio Dispatcher to contact Signal Truck 249;
- b. at any other time, notify the Radio Dispatcher to have the sign replaced with a temporary Stop Sign.

2. Record

The member of the Communication Center making such notification shall make a notation which shall contain the following information:

- a. time of notification;
- b. person notified;
- c. location of damaged or missing Stop Sign;
- d. the employee's name.

D. Emergency Barricades

1. Whenever the need arises for emergency barricades, the requesting member shall contact the Radio Dispatcher or the 911 Supervisor.
2. The Dispatcher shall relay the information to the Signal Truck.
3. If the Signal Truck is unable to respond or has an insufficient number of barricades available, the Dispatcher, after gaining the approval of the 911 Lieutenant, shall contact the Flasher Handling Company and request the barricades. The Dispatcher shall apprise the Signal Truck of the location and number of barricades that were delivered.
4. Whenever it appears that the barricades are no longer needed and they have not yet been removed, the concerned command shall contact the Signal Division.

1.6 CLOSING STREETS

A. Temporary Closing of Streets

1. When the Mayor of the City of Buffalo authorizes the temporary closing of a street under the power granted him/her by the City Charter, communication shall be made to the Commanding Officer of the District affected.

2. The Commanding Officer of the District affected shall instruct their Patrol Lieutenants to inspect the area for which the permit was granted and to ensure that the requirements are fulfilled.

B. Emergency Closing of Streets

1. Whenever streets are closed at the direction of the Mayor because of an emergency, or for public safety, or for any other impending necessity, the Commanding Officer of the District shall:
 - a. promptly notify the 911 Lieutenant;
 - b. detail sufficient members of his/her command to handle the situation;
 - c. arrange for the delivery of proper equipment (e.g. barricades, etc.)
 - d. assume command of the situation until relieved by higher authority.
2. A Police Officer may temporarily close a street during a fire, automobile accident or special emergency. The street may be closed for only so long as is required for public safety and it may be closed to all or selected vehicle traffic and to pedestrian traffic. The Officer closing the street shall notify the Radio Dispatcher and request whatever assistance is necessary to aid him/her in closing the street.

1.7 RESTRICTING PARKING

A. Authority

1. The Commissioner of Police may make temporary regulations and orders to meet special conditions (e.g.. snow removal, leaf pickup, paving and street cleaning, parades, special events, etc.) regarding the parking and standing of motor vehicles on public streets or public places, within the City.

B. Posting

1. Whenever the Commissioner of Police exercises his/her authority to restrict parking, signs describing the type of restriction must be posted conspicuously, not later than twenty-four (24) hours preceding the beginning of the period of restriction. Signs shall be made available at each Police District.
2. The Commissioner may delegate to any other Department of the City of Buffalo, the authority to post streets in which parking or standing is to be restricted. The designated Department must notify the Commissioner of Police, or his/her designee, of the streets to be posted, the date of posting, the date and time when posting will be completed, and the date and time during which parking or standing will be regulated.

4.0 TRAFFIC ENFORCEMENT

4.1 POLICY

It is the policy of the Buffalo Police Department to use its law enforcement authority to the extent necessary to provide safe, expeditious and convenient movement of traffic in the City of Buffalo. Traffic enforcements primary focus is to educate and correct motorists driving habits that violate NYS Vehicle and Traffic laws as well as cause a danger to the roadways within the City of Buffalo.

CORE PRINCIPLES

Traffic Enforcement and Safety. The purpose of conducting traffic enforcement is to favorably alter the violator's future driving behavior and to foster public safety. Members shall engage in traffic enforcement for public safety purposes and not for the purpose of making an arrest.

Constitutional Stops. Members may conduct a brief vehicle stop for a traffic violation when the member has Probable Cause to believe that the driver has committed a traffic violation. The stop may last no longer than the time reasonably required to issue a summons for the violation.

Procedural Justice. Procedural justice refers to the perception of fairness in an encounter. Members shall treat all persons with dignity and respect, give persons a voice during encounters, be impartial in their decision making, and convey trustworthy motives.

Non-Discriminatory Policing. Members shall not consider demographic category (including but not limited to race, ethnicity, national origin, religion, gender, sexual orientation, age, disability, gender identity or expression, or affiliation with any other similar identifiable group) as a factor in conducting a vehicle stop. Targeting specific neighborhoods for traffic enforcement based on these demographic categories is a form of discriminatory policing and is prohibited.

Least Intrusive Response. Considering the circumstances presented at the time, members should always take the least intrusive action, consistent with the goal of public safety. For most minor violations, warrantless arrest is not the preferred option, and certain violations only allow for the issuance of a traffic summons or a traffic stop receipt (P-1389) and not arrest. A member should issue a summons or make an arrest only when doing so directly advances the goal of public safety, and the situation cannot be effectively resolved in a less intrusive manner with the issuance of a traffic stop receipt.

4.2 PATROL/TRAFFIC ENFORCEMENT RESPONSIBILITIES

Patrol Districts shall be responsible for traffic enforcement within their respective districts and anywhere they observe a traffic violation within the City of Buffalo. The District Chiefs and supervisors shall be responsible for:

- A. Analyzing traffic accidents with the goal in using traffic enforcement/ education to reduce accidents in terms of:
 - 1. time
 - 2. place
 - 3. severity
 - 4. cause
- B. Analyzing traffic enforcement activities in an effort to educate and reduce motorists behavior that lead to violations in terms of:
 - 1. type of violations
 - 2. severity of violations
 - 3. frequency of violations
 - 4. time and location of violations
- C. Implementing selective enforcement techniques based on:
 - 1. time and location of accidents
 - 2. time and location of violations
 - 3. traffic volume
 - 4. traffic conditions
 - 5. the needs of the community complaints regarding traffic violation concerns through community meetings, 311 complaints and other methods brought to BPD
- D. Deploying patrol personnel to accomplish specific enforcement objectives based on the above;
- E. Evaluating the effectiveness of the enforcement techniques implemented.

4.3 UNIFORMS REQUIRED FOR TRAFFIC ENFORCEMENT

Only sworn members in uniform and operating a marked patrol vehicle shall actively engage in traffic enforcement activities.

4.4 ENFORCEMENT OPTIONS

Generally, a member has three options when enforcing traffic laws and ordinances.

A. Warnings/ Traffic Stop Receipt (P-1389)

The member may issue a warning in the form of a Traffic Stop Receipt completed electronically in CHARMS or the issued hard copy to be used only if the computer is not functioning.

B. Traffic Summonses

The member may issue a traffic summons to the motorist. Traffic summonses shall be issued in those circumstances in which there has been a violation of the traffic laws or ordinances and the motorist has not been issued a warning or has not been placed under arrest.

C. Arrests

The member may make a physical arrest of the motorist. Physical arrests may be made whenever the traffic offense is:

1. A misdemeanor or felony defined in the Vehicle and Traffic Law involving the use of alcohol and/or drugs (VTL section 1192- 1194);
2. Felony Aggravated Unlicensed Operation First Degree defined in Section 511-3 VTL;
3. A traffic infraction, coupled with a non-traffic offense for which the person may be arrested.

4.5 TO WHOM SUMMONSES MAY BE ISSUED

Traffic summonses may be issued to any person who is at least 16 years of age (Refer to M.O.P. Chapter 7). They shall be issued for any violation of the Vehicle and Traffic Law, or City Ordinances relating to traffic, except those relating to parking, standing, or stopping for which a parking tag must be issued. For violations involving driving during a snow ban, an Adjudication Summons shall be issued in lieu of a Traffic Summons. Refer M.O.P. Chapter 3.

4.6 SUMMONSES - SPECIFIC CLASSES OF PERSONS

A. Residents

Traffic summonses may be issued to any resident who is at least 16 years of age (refer to M.O.P. Chapter 7). Summonses may be issued for any violation of the vehicle and traffic law or City ordinances related to traffic.

B. Juveniles

Juveniles less than sixteen (16) years of age cannot be issued a traffic summons. Juveniles who have committed a traffic infraction shall be taken to the stationhouse of the District in which the infraction occurred and their parents, guardians, or other persons legally responsible for their care, shall be required to retrieve them. Juveniles who have committed misdemeanors or felonies may be petitioned to Court. A Judge at Family Court may be reached at (716) 845-7400. (Refer M.O.P. Chapter 3).

C. Diplomats

Refer to M.O.P. Chapter 3.

4.7 DEALING WITH MOTORISTS

1. Members of the Department who have stopped a motorist for having committed a traffic infraction must first establish control of the situation in a way that assures the safety of the member, the motorist and other people using the roadway.

2. The member must be ever mindful that this is a stressful time for citizens. The courtesy and positive image that is shown by the member will make this contact less confrontational. It will also enhance the member and Departments image. Remembering that the purpose of the enforcement is to favorably alter the motorists driving habits.
3. The member(s) making contact with the motorist/ violator(s) must identify themselves to the motorist and the reason for the stop as soon as possible.
4. If a traffic summons is issued to the motorist, the member must clearly explain to the motorist the following:
 - a. the date, time and location the motorist is required to appear;
 - b. how the motorist can answer the summons including whether or not the
 - c. motorist can plead by mail;
 - d. any other information that may assist the motorist in dealing with the summons.
5. Officers are reminded that parents or guardians are chargeable under the Vehicle and Traffic Laws if they knowingly permit unlicensed youths to drive on the road.

4.8 SPEED ENFORCEMENT

Excessive speed is often a contributing factor in motor vehicle accidents and the subject of community complaints. Members of the Department shall diligently enforce laws and ordinances regulating speeding.

4.9 RADAR

A. Training and Certification

Before a member is authorized to use radar or other speed measuring devices, (s)he must have received proper training and be certified by the NYS Division of Criminal Justice Services to operate that device and must keep his/her certification current. The member must comply with all required procedures for operating that device.

B. When Radar is to be Used

Radar and other speed measuring devices will be used in the following circumstances:

1. In locations where there is a high incidence of accidents in which excessive speed is a contributing factor;
2. In locations where speeding frequently occurs;
3. In locations where citizen complaints indicate a high frequency of speeding violations.
4. During officers normal patrol duties driving throughout the city

C. Selecting a Site

In selecting a site the member of the Department using radar or other speed enforcement device must give first priority to the safety of himself/herself, other members of the Department, other motorists, and the violator that is to be stopped. The member must check the location to be certain that it is properly posted.

D. Calibration of Speed Measuring Devices

All speed measuring devices must be maintained and calibrated according to the manufacturer's standards or at least once a year. This will be maintained by the Accident Investigation Unit office.

4.10 SPEEDOMETER CALIBRATION

If a member is to appear at a hearing for a traffic summons (s)he issued for speeding, and the speeding charge was based on reading the speedometer when following the violator, the member must have proof of the accuracy of the speedometer. Such proof shall be secured prior to the scheduled hearing date and can be obtained from the Police Garage after garage personnel calibrate the speedometer.

4.11 DWI ENFORCEMENT

A. All uniform members of the Department have a special responsibility to rigorously enforce laws prohibiting driving while intoxicated/impaired. Commanding Officers of Districts shall direct members of their command to carefully inspect locations in their Districts, at the time and place where there has been a past history of alcohol related accidents or alcohol related violations.

B. The Commanding Officer of each patrol district shall be responsible for assigning members of his/her command to specifically enforce laws that prohibit driving while intoxicated/impaired. The members assigned to such enforcement shall be responsible for:

1. enforcing alcohol/drug related traffic laws in those locations, and at those times, that have had a significant incidence of alcohol/drug related accidents or alcohol/drug related traffic offenses;
2. to ascertain the characteristic violation profile of the offender by surveying those roadways on which there has been an unusual incidence of alcohol/drug related accidents;
3. analyzing alcohol/drug related accident information.

4.12 PARKING ENFORCEMENT

All uniform members of the Department are responsible for enforcing laws and ordinances regulating parking and standing. Primary attention shall be devoted to enforcing those laws and ordinances that impact on the flow of traffic (e.g. double parking, no standing any time, fire lanes, etc.), those that are designed to facilitate snow removal or street cleaning (e.g. alternate parking, bus routes during the winter, etc.), and those parking violations that are the subject of citizen complaints.